

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHEAP REAL ESTATE
WISCONSIN, LLC,

Plaintiff,

v.

Case No. 09-cv-740

NANYA PENTELL, LLC,
also known as DELLS HOTELS, LLC,
MIDWEST HOTELS, INC., and
BANK OF WISCONSIN DELLS,

Defendants,

-and-

NANYA PENTELL, LLC,

Third Party Plaintiff,

v.

ROBERT SOBCZAK-SLOMCZEWSKI,

Third Party Defendant.

ORDER ON MOTION FOR ENTRY OF DEFAULT

Third party plaintiff Nanya Pentell, LLC requests that default judgment be entered against defendant Midwest Hotels, Inc. and third party defendant Robert Sobczak-Slomczewski pursuant to Federal Rule of Civil Procedure 55. Before default judgment can be entered pursuant to Federal Rule of Civil Procedure 55(b), the clerk must enter default pursuant to Federal Rule of Civil Procedure 55(a). Furthermore, because the present motion does not resolve all claims in the action, entry of judgment is inappropriate under Rule 54(b)(2). Accordingly, I address the motion as one for entry of

default.

Plaintiff filed its motion on June 1, 2010. Counsel for Robert Sobczak-Slomczewski participated in the preliminary pretrial conference on May 27, 2010. On June 2, 2010 counsel filed an answer on behalf of third party defendant Robert Sobczak-Slomczewski. Therefore, plaintiff's request to enter the default of third party defendant Robert Sobczak-Slomczewski is denied.

Regarding defendant Midwest Hotels, Inc., it appears from the record that defendant has failed to appear, plead or otherwise defend against defendant Nanya Pentell, LLC's cross-claim. Therefore, the default of defendant Midwest Hotels, Inc. on the cross-claim is hereby entered pursuant to Federal Rule of Civil Procedure 55(a).

Dated this 4th day of June, 2010.



PETER OPPENEER
Clerk of Court